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**From:** Laycock, Kelly [Laycock.Kelly@epa.gov]  
**Sent:** 4/4/2019 1:49:23 PM  
**To:** McGill, Thomas [Mcgill.Thomas@epa.gov]; Purify, Johnnie [Purify.Johnnie@epa.gov]  
**Subject:** FW: Florida letter  
**Attachments:** Completeness Determination for FL- 4-02-2019.docx; 20180905\_DRAFT\_AGStatement\_pdf - OneDrive\_aspx.mht

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

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**From:** Hicks, Matt  
**Sent:** Wednesday, April 3, 2019 1:34 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Florida letter

I'm available at 4:00.

In terms of a detailed list of issues that remain unresolved, I prepared the following yesterday in preparation for the RA briefing that you may want to use as a starting point. I did not include the regulatory citations to various sections but that should be easy enough (40 C.F.R. 233.10-14). One thing I omitted as an issue is the need for an updated cross-walk. I'm not sure if that would fall under program description, AG's statement, or "Copies of all applicable State statutes and regulations, including those governing applicable State administrative procedures" (40 CFR 233.10(f)), as the regulations don't seem to specifically mention the crosswalk. I'm also including the draft AG's statement that DEP sent us back in September.

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**From:** Kupchan, Simma  
**Sent:** Wednesday, April 3, 2019 1:28 PM  
**To:** Laycock, Kelly <Laycock.Kelly@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Florida letter

Thanks. I think what Matt is looking for is pretty straightforward, right? We can just walk through the regulatory provisions and say the status of what they have provided? Let me know what you think. If any of you have time to start taking a stab at this, feel free. Otherwise I should be able to do this tomorrow morning, based on the RA paper you gave me.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Laycock, Kelly  
**Sent:** Wednesday, April 3, 2019 1:11 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** RE: Florida letter

I have to leave at 5 but I could join a call before that.

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

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**From:** Kupchan, Simma  
**Sent:** Wednesday, April 3, 2019 1:07 PM  
**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** FW: Florida letter

See below. I am busy until about 4 – anyone free to talk then, by any chance?

Simma Kupchan  
EPA Office of General Counsel  
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**From:** Fotouhi, David  
**Sent:** Wednesday, April 3, 2019 12:54 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Subject:** RE: Florida letter

Thanks for tracking all of this down, Simma. I've discussed briefly with Matt, and

Ex. 5 AC/DP

**Ex. 5 AC/DP**

Best,

David

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
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Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

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**From:** Kupchan, Simma  
**Sent:** Tuesday, April 2, 2019 5:21 PM  
**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>  
**Cc:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Subject:** FW: Florida letter

Hi David,

Matt requested:

- 1)
- 2)

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

# Ex. 5 AC/DP

I'd be happy to discuss further. Thanks for your attention in the meantime.

Simma Kupchan  
EPA Office of General Counsel  
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202-564-3105

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**From:** Fotouhi, David  
**Sent:** Monday, April 1, 2019 10:14 AM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** RE: Florida letter

Hi, Simma. That timing works for me. Is your plan to float this idea to the team in R4 today so that they can provide their views on the call tomorrow?

## David Fotouhi

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Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

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**From:** Kupchan, Simma  
**Sent:** Monday, April 1, 2019 10:11 AM  
**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** RE: Florida letter

Hi David,

I will discuss Matt's proposal with Region 4. Would it be ok if I got back to you tomorrow afternoon (we have a regularly scheduled call with all of the key Regional players tomorrow morning), or would you like to move faster than that?

Thanks,

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Fotouhi, David  
**Sent:** Monday, April 1, 2019 10:03 AM  
**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma

<[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** Florida letter

# Ex. 5 Deliberative Process (DP)

Could you all talk to folks in R4 to gauge whether we could represent this in a letter to the State?

**David Fotouhi**

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